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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,528	07/22/2003	G. Herbert Hanson		4905
25236	7590	11/22/2005		
STANLEY J ROGERS 2-1507 UPPER MIDDLE ROAD BURLINGTON, ONTARIO, L7P 4M5 CANADA			EXAMINER WILSON, JOHN J	
			ART UNIT 3732	PAPER NUMBER

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/623,528	HANSON, G. HERBERT	
	Examiner	Art Unit	
	John J. Wilson	3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Voudouris (5913680). Voudouris shows a body having an arch wire slot 1240, Fig. 41, pivot member 1013, shutter member 1224, Fig. 41B, pivot portion as shown, slot closing portion 1007, 1009, Fig. 38, and latch means 1013A and 1224A, Fig. 41B.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voudouris (5913680). Voudouris shows the structure as described above. To use a slot in place the shown dimple is an obvious matter of choice in the specific shape and size of the indent used to one of ordinary skill in the art. The specific range of degree of movement is an obvious matter of choice in the degree of a known parameter to the skilled artisan. As to claims 8 and 9, the

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number of pivot pins used is an obvious matter of choice in the number of a known element used to one of ordinary skill in the art.

Claims 10-13 and 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voudouris (5913680) as applied to claims 1-4 above, and further in view of Hanson (2002/0034715). Voudouris shows the structure as described above, however, does not show a part to limit movement of the shutter. Hanson shows part 98 to limit movement of the shutter. It would be obvious to one of ordinary skill in the art to modify Voudouris to include means to limit movement as shown by Hanson in order to protect the parts and hold the shutter in the open position. As to claims 11, 17 and 20, Voudouris does not show using an interference fit. Hanson teaches using an interference fit [0063] and [0064]. It would be obvious to one of ordinary skill in the art to modify Voudouris to include using an interference fit as shown by Hanson in order to better hold the elements in their closed position. As to claims 12 and 13, Hanson shows an attitude controlling spring member. It would be obvious to one of ordinary skill in the art to modify Voudouris to include a spring member as shown by Hanson in order to control the position of the wire. As to claim 23, Voudouris teaches using the bracket on the lingual side, however, does not show a body that decreases labial to lingual. Hanson teaches using a body that decreases labially-lingually. It would be obvious to one of ordinary skill in the art to modify Voudouris to include a body shaped as shown by Hanson in order to better fit on the lingual side.

Claims 14-16 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voudouris (5913680) as applied to claim 1 above, and further in view of Hanson (5586882).

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Voudouris shows the structure as described above, and further, shows locating a controlling resilient member 1009 on the shutter, Figs. 38 and 41, however, does not show locating the member at a free end. Hanson shows using the free end, Fig. 19, of the shutter member 46 to contact the wire. It would be obvious to one of ordinary skill in the art to modify Voudouris to include locating the controlling member at the end of the shutter as shown by Hanson. As to claim 16, Hanson shows a curved end.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voudouris (5913680) as applied to claim 1 above, and further in view of Abels et al (6659767). Voudouris shows the structure as described above, and further, shows locating a controlling resilient member 1009 on the shutter, Figs. 38 and 41, however, does not show locating the member at a free end. Abels shows an attitude controlling member 177, Fig. 17A. It would be obvious to one of ordinary skill in the art to modify Voudouris to include locating the attitude controlling member as shown by Abels in order to better control the position of the wire. As to claim 15, see embodiment of Figs. 7B, 7C, 8, 9C, 10A and 10B of Abels where, when in the closed position, the end is shown engaging the surface of the body.

Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abels et al (6659767). Abels shows a body 182, Figs. 18A and 18B, slot as shown, pivot member 198, shutter 184 having a pivot portion as shown, slot closure portion as shown including an attitude controlling member 177, Fig. 17A. Abels does not show a spring member, however, Abels shows another embodiment in Figs. 12A and 12B, a flexible spring member 118 on the slot

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closure portion that has a free end portion extending into the slot as shown. It would be obvious to one of ordinary skill in the art to modify the embodiment of Fig. 18A of Abels to include the spring as shown in the embodiment of Fig. 12A of Abels in order to better control the position of the arch wire in the slot. As to claim 25, see the embodiment of Figs. 7B, 7C, 8, 9C, 10A and 10B of Abels where, when in the closed position, the end is shown engaging the surface of the body.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abels et al (6659767) as applied to claim 24 above, and further in view of Voudouris (5913680). Abels shows the structure as described above, however, does not show using latch means. Voudouris shows using latch means 1013A and 1224A. It would be obvious to one of ordinary skill in the art to modify Abels to include latch means as shown by Voudouris in order to better hold the elements in the desired location during use.

Drawings

The drawings filed July 22, 2003 have been found to be acceptable by the examiner.

Conclusion

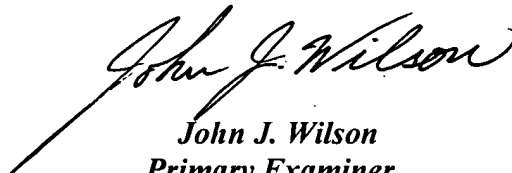
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kessel (4103423) shows a pivot with latch. Hanson (4698017) and (6506049) show pivoting and attitude springs.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Wilson whose telephone number is 571-272-4722). The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached at 571-272-4720). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John J. Wilson
Primary Examiner
Art Unit 3732

jjw
November 18, 2005